

# TERRELL | MARSHALL

LAW GROUP PLLC

Erika L. Nusser  
enusser@terrellmarshall.com

File No. 2418-001.C

February 10, 2021

***Via CM-ECF***

The Honorable Nicholas G. Garaufis  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Thorne v. Square, Inc., et al.*  
Civil Action No. 1:20-cv-05119-NGG-RML

Your Honor:

My firm is co-counsel to Plaintiffs in the above-referenced action. Pursuant to **Fed. R. Civ. P. 15(a)(3)**, Defendants' responses to Plaintiffs' First Amended Complaint are due on February 15, 2021. As stated in the Parties' stipulation concerning Plaintiff Thorne's original complaint, Defendants intend to move to compel arbitration. The parties request that the deadline for Defendants to respond to Plaintiffs' First Amended Complaint be continued, and that Defendants' deadline to file their pre-motion conference letter in connection with their anticipated motion(s) to compel arbitration be set for March 3, 2021. This is the first request for an extension with respect to Plaintiffs' First Amended Complaint.

The parties further agree that any deadline to file a Rule 12(b)(6) motion to dismiss is stayed pending the Court's decision on the motion(s) to compel arbitration.

Respectfully,

/s/ Erika L. Nusser  
Erika L. Nusser

ELN:ts  
cc: All counsel of record

Application Granted. SO-ORDERED. <u>/s/ Nicholas G. Garaufis, U.S.D.J.</u> Hon. Nicholas G. Garaufis Date: February 12, 2021
--